

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VEGGIE CREATIONS, LLC, et al.,

Plaintiffs,

v.

CJ AMERICA, INC., et al.,

Defendants.

Case No.: 2:20-cv-05709-MHW-CMV

Judge: Michael H. Watson

Magistrate Judge: Chelsey M. Vascura

**NOTICE OF FILING OF
SUPPLEMENTAL DECLARATION OF
JAY HIGHMAN IN SUPPORT OF
CITIZENSHIP OF PLAINTIFFS**

Pursuant to the Court's Order of October 11, 2022 (Doc. #58), Nature's One, LLC ("Nature's One") and Veggie Creation, LLC ("Veggie Creations") (collectively, "Plaintiffs") hereby give notice of the filing of the Supplemental Declaration of Jay Highman in Support of Citizenship of Plaintiffs. When Veggie Creations commenced this lawsuit, and at all times thereafter, Veggie Creations was a citizen of Delaware and Ohio. Similarly, when Nature's One was added as a party to this lawsuit, Nature's One was a citizen of Delaware and Ohio.

The Court's Order granted the Motion for Reconsideration (Doc. #57) that was filed under the party now referred to as: Defendant CJ America, Inc. d/b/a CJ Foods, Inc. ("Defendant"). Counsel for Defendant have changed their filing. Prior to this Court addressing diversity jurisdiction over this matter, as recent as September 20, 2022 counsel for Defendant referred to their client as "Defendants CJ America, Inc. and CJ Foods USA, Inc." (Doc. #51, pg. 1). In all filings prior to September 20, 2022, counsel used a similar reference to two Defendants. (Doc. #4, pg. 1); (Doc. #4, pg. 11); (Doc. #12, pg. 1); (Doc. #12, pg. 12); (Doc. #46, pg. 1); (Doc. #46-1, pg. 1); (Doc. #48, pg. 1); (Doc. #49, pg. 1). These filings include the answer and counterclaim that where Defendant CJ America, Inc. made clear that Defendant CJ

Foods USA, Inc. is a separate party to this action, not a dba of CJ America, Inc. Defendants should not be permitted to change parties to create jurisdiction for this Court.

Respectfully Submitted,

/s/David A. Campbell

David A. Campbell (0066494)

Theresa A. Edwards (0090971)

Lewis Brisbois Bisgaard & Smith

1375 E. 9th Street, Suite 2250

Cleveland, Ohio 44114

T. 216.344.9422/F. 216.344.9421

David.A.Campbell@lewisbrisbois.com

Tera.Edwards@lewisbrisbois.com

Counsel for Plaintiffs/Counterclaim Defendants

Veggie Creations, LLC and Nature's One, LLC

CERTIFICATE OF SERVICE

I hereby certify a copy of the forgoing was filed electronically on October 18, 2022.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/David A. Campbell

David A. Campbell (0066494)

Theresa A. Edwards (0090971)

Lewis Brisbois Bisgaard & Smith

*Counsel for Plaintiffs/Counterclaim Defendants
Veggie Creations, LLC and Nature's One, LLC*

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**SUPPLEMENTAL DECLARATION OF
JAY HIGHMAN IN SUPPORT OF
CITIZENSHIP OF PLAINTIFFS**

I, Jay Highman, declare:

1. I have personal knowledge of the facts contained herein, and if called as a witness, I could and would testify competently to the facts contained herein.

2. I am familiar with the pleadings in the above captioned matter.

3. I have submitted declarations setting forth the current citizenship of Plaintiff Nature's One, LLC ("Nature's One") and Veggie Creation, LLC ("Veggie Creations").

4. I am founder and Chief Executive Officer of both Nature's One and Veggie Creations.

5. I understand that on October 11, 2022, the Court Ordered Nature's One and Veggie Creations to explain their citizenship at the time of filing the Complaint. This Supplemental Declaration responds to the October 11, 2022 Order.

6. When Nature's One entered this case, its citizenship was the same as it is now – its sole member was Nat2, Inc. that was and is a Delaware corporation with a principal place of business in Ohio.

7. Nature's One's citizenship has not changed since Nature's One entered this lawsuit.

8. When Veggie Creations commenced this lawsuit, its citizenship was the same as it is now – its sole member was Nat2, Inc. that was and is a Delaware corporation with a principal place of business in Ohio.

9. Veggie Creations' citizenship has not changed since Veggie Creations commenced this lawsuit.

10. I declare under penalty of perjury pursuant to U.S.C. § 1746 that the foregoing is true and correct.

Dated: October 18, 2022

/s/

Jay Highman